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OFFICE OF PETITIONS

In re Application of
Edward Nolan et al.
Application No. 10/756,946
Filed: January 13, 2004
Attorney Docket No. GTI-1130-CT2

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before November 1, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed August 1, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 2, 2006.

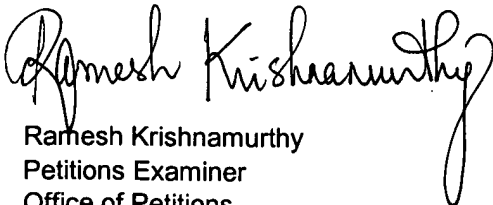
Petitioner had two (2) months from January 9, 2009, to file a renewed petition. However, the petition was received outside the time frame given by the decision. Therefore, as authorized, \$490 for a two (2) months extension of time filed on June 4, 2009, will be charged to petitioner credit card.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1440.00 and the publication fee of \$300.00, and corrected drawings (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions